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To: Chairman Greenlick, and House Committee on Health Care Members,

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Subject: Written testimony regarding HB2361

I oppose HB2361 because it will put alternative therapists out of work in Oregon. HB2361 deletes 675.825(4), which is the paragraph that affirms the right to practice for alternative therapists in Oregon. Deleting this paragraph opens the door to putting alternative therapists out of work while not actually improving consumer protection.

I'm an alternative therapist from Portland, Oregon and I've been practicing in SE Portland for the past 17 years. During those years I've helped hundreds of Oregonians who've sought my services specifically because of the alternative modalities that I offer.

I see HB2361 as a bad bill because of the following:

- HB2361 would put honest, ethical alternative therapists like myself out of work, and it fails to effectively address consumer protection. Thousands of Oregonians engage services from alternative therapists and they would be left without the services they prefer to use.
- I was involved with the "Licensure Exemption Workgroup" composed of OPLPCT, OBPE, BLSW board members and testified before that group on 4/27/2016 at their public hearing regarding the proposal that became HB2361. Participants in that meeting pointed out to the LEW that the changes they proposed do little or nothing to improve consumer safety and instead punishes ethical practitioners by taking away their livelihoods and businesses. At the 4/27 LEW meeting, I presented an alternative plan that could provide for real and effective consumer protection. This plan is based on a model that is functioning well in Vermont and was met with a positive reception by the LEW at that time. If a change is to be made, I'm advocating that Oregon should move toward a more inclusive model like the one that I presented to the LEW committee.
- By putting alternative therapists out of work, HB2361 creates a restraint of trade, which I've understood shouldn't be the focus of state regulatory boards like the OBPE or OBLPCT.

During the past 10 years, licensure boards in Oregon (OBLPCT, OBPE) have made several legislative attempts to push Alternative Therapists out of business in Oregon. All of these past bills have failed for good reason - alternative therapists practice ethically, honestly and well in Oregon. In 2017 with HB2361 the OBPE, OPLPCT, and BLSW are again attempting this restraint in trade under the guise of consumer protection and I respectfully request that you stop HB2361.

**Proposal for Regulating Alternative Therapists in Oregon**

At the 4/27/2016 Licensure Exemption Workgroup (LEW) meeting in Salem, a collection of alternative therapists from various disciplines and a group of licensed therapists met with the LEW boards to comment on their proposal to remove the "exemption" clauses from ORS 675.825. The assembled group overwhelmingly objected to and rejected the LEW proposal that became HB2361. At the meeting, I offered a compromise proposal that I believe could meet all party's needs and provide real and effective consumer protection. I'm summarizing this proposal below.

Like the legislature, Alternative Therapists are also committed to consumer protection and ethical standards. The most effective way to provide safeguards for public protection would be to regulate Alternative Therapists from a board. A model for such a board can be found in the state of Vermont's "Board of Allied Mental Health Practitioners."

Vermont maintains the "Board of Allied Mental Health Practitioners," administered by the Secretary of State's Office of Professional Regulation. The board's mission is public protection and it regulates Vermont's licensed and non-licensed (alternative) therapists. Vermont's statutes define in Ch. 26, title 78, the "Roster of Psychotherapists Who Are Non-licensed and Non-certified" and the alternative therapists listed on that roster are regulated by legislation and by rules set by Vermont's Allied Mental Health Board. Vermont's model provides for public protection with the following provisions:

1. **Professional Training Disclosure:** Vermont's Rostered Psychotherapists are required to provide detailed disclosure about their training, qualifications, and scope of practice to the public so that consumers can make well informed decisions concerning their choice of providers.
2. **Ethical Conduct:** The statutes and rules define standards of professional conduct that must be adhered to, and also explicitly define unprofessional and unethical conduct.
3. **Complaint Process:** A process is defined for filing a complaint against a Rostered therapist in Vermont.
4. **Disciplinary Process:** A disciplinary process is defined to deal with unprofessional conduct.
5. **Additional Public Protection:** An allied mental health practitioner whose license, certification, registration, or state endorsement is suspended or revoked by Vermont or any other jurisdiction is ineligible for entry on the roster.
6. **Fees:** Vermont statutes define fees paid by Rostered Therapists so that the program is funded by the membership it serves.
7. **Fair Treatment:** Vermont's Board of Allied Mental Health Practitioners is composed of 6 members, one board member being a Rostered Psychotherapist. Two other members of the board are ordinary members of the public who have no connection to or vested interest in therapy or mental health.

A similar model for a board/registry could be implemented for Oregon to provide for consumer protection while preserving the alternative therapy services that Oregonians have shown that they want to use.

HB2361 doesn't actually improve public protection. It's true that HB2361 clears the way to litigate against alternative therapists and put them out of work, but since individuals who are intent on public harm can easily re-name or re-brand their work and continue their unethical behavior, HB2361 continues to leave public protection largely unaddressed. I contend that real public protection will be better served by providing for consumer protection before any services are engaged. A successful example of this kind of public protection has been operating in Vermont, where it provides the consumer with detailed disclosure about alternative therapist training, ethical standards, a complaint process and a disciplinary process for alternative therapists – through a regulatory board. Elements of that model could also work for Oregon.